

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DISH NETWORK L.L.C.,

Plaintiff,

v.

DOES 1-5, individually and together
d/b/a Easybox IPTV,

Defendants.

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Civil Action No.

DECLARATION OF GREGORY DUVAL

I, Gregory Duval, of Englewood, Colorado declare as follows:

1. I make this declaration based on personal knowledge and, if called upon to testify, would testify competently as stated herein.

2. I am employed as Chief Operating Officer with NagraStar LLC (“NagraStar”). My responsibilities include managing and directing NagraStar’s anti-piracy and infringement investigations, and support of legal actions. For purposes of this case, NagraStar and its affiliate NagraVision SA (together, “Nagra”) have been tasked by Plaintiff DISH Network L.L.C. (“DISH”) to provide an analysis on whether television channels licensed to DISH are aired on Defendants’ Easybox service. The channels examined include those referred to as the “Protected Channels” in the complaint filed by DISH.

3. Nagra performed extensive monitoring of the Easybox service, which started on or about January 26, 2016 and remains ongoing. I prepared this declaration based on my review of monitoring reports and corresponding screenshots of the Easybox service that were prepared and compiled by employees of Nagra acting under my supervision.

Defendants' Service Providers

4. Nagra purchased the Easybox set-top boxes used to access the Easybox service from <https://www.easybox.tv> (“Easybox.tv”). Payments were made via PayPal to email addresses:

- a. vaservices2018@gmail.com;
- b. paymentspaypal2017@gmail.com; and
- c. angela85.ggs@gmail.com.

5. An Easybox set-top box received by Nagra included a return shipping address of 8160 Cadillac Hwy., Benzonia, MI 49616. Attached as **Exhibit 1** is a true and correct copy Michigan Corporations Division online records for Xpert Fulfillment, Inc. at 8160 Cadillac Hwy., Benzonia, MI 49616. The website, <https://www.xpertfulfillment.com> states, “Xpert Fulfillment Services is an order fulfillment company, logistics provider, and distribution center that efficiently handles all aspects of inventory and order management.”

6. Attached as **Exhibit 2** is a true and correct copy of the DomainTools Whois records for the easybox.tv domain identifying Enom, Inc. as the registrar and Namecheap, Inc. as the web hosting provider.

7. Easybox.tv has a link to a former Facebook page at <https://www.facebook.com/easybox.tviptv>.

8. Easybox.tv has a link to a former Twitter page at <https://twitter.com/easyboxiptv>.

9. Easybox.tv has a link to an Instagram page at <https://www.instagram.com/easyboxarabiciptv/>.

10. Easybox.tv has a link to an Easybox YouTube video at <https://www.youtube.com/watch?v=hVv36lGqp0k>, posted by user “arabiciptv.” Another Easybox

YouTube video at <https://www.youtube.com/watch?v=SE9xM0Vz5uU>, posted by user “Easyboxtv2015,” includes a speaker claiming to be the CEO of Easybox.

Defendants’ Dealers

11. Easybox.tv has a “Where to Buy” page that identifies www.buyarabictv.com (“BuyArabicTV.com”) and www.iptv4arab.com (“IPTV4Arab.com”) as authorized Easybox dealers in the United States. Attached as **Exhibit 3** is a true a correct copy of the DomainTools Whois records for the buyarabictv.com and iptv4arab.com domains, each identifying Namecheap, Inc. as the registrar and web hosting provider, and WhoisGuard, Inc. for privacy protection services.

a. BuyArabicTV.com has a Facebook page at <https://www.facebook.com/Buyarabictv>;

b. The IPTV4Arab.com “Contact Us” page identifies ACE Discount Store, 786 Nostrand Ave., Brooklyn, NY 11216. IPTV4Arab.com has a Facebook page at <https://www.facebook.com/IPTV4Arab.NewYork>.

Easybox Monitoring Results

12. The Easybox set-top boxes that Nagra purchased were made through NagraStar in Denver, Colorado or its investigator in the United States to ensure Nagra received the same equipment and service as any other user of Easybox located in the United States. Nagra also used a United States IP address in monitoring the Easybox service to make certain that channels observed by Nagra were available and not geo-blocked to users in the United States.

13. Nagra regularly monitored the LIVE TV section of the Easybox service. Attached as **Exhibit 4** is a true and correct copy of the results, listing each date that the Protected Channels were observed on the Easybox service by Nagra. The results are summarized in relevant part as

follows:

- a. Al Arabiya was observed on the Easybox service on February 5, 2016, and numerous times thereafter up through August 6, 2019;
- b. Al Hayah 1 was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- c. Al Jazeera Arabic News was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- d. Al Jazeera Mubasher was observed on the Easybox service on June 22, 2017, and numerous times thereafter up through June 1, 2019;
- e. ART Cima was observed on the Easybox service on February 26, 2018, and numerous times thereafter up through August 6, 2019;
- f. ARY Digital was observed on the Easybox service on May 9, 2016, and numerous times thereafter up through August 6, 2019;
- g. B4U Music was observed on the Easybox service on May 9, 2016, and numerous times thereafter up through March 22, 2019;
- h. CBC was observed on the Easybox service on February 26, 2018, and numerous times thereafter up through August 6, 2019;
- i. CBC Drama was observed on the Easybox service on September 27, 2018, and numerous times thereafter up through August 6, 2019;
- j. Dream 2 was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- k. Future TV was observed on the Easybox service on February 23, 2016, and numerous times thereafter up through March 22, 2019;

- l. Geo News was observed on the Easybox service on June 14, 2016, and numerous times thereafter up through March 22, 2019;
- m. Geo TV was observed on the Easybox service on March 22, 2019;
- n. Hekayat was observed on the Easybox service on December 13, 2016, and numerous times thereafter up through August 6, 2019;
- o. Hum TV was observed on the Easybox service on January 24, 2017, and numerous times thereafter up through August 6, 2019;
- p. Hum World was observed on the Easybox service on March 22, 2019, and several times thereafter up through July 10, 2019;
- q. LBC was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- r. LDC was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- s. MBC1 was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- t. MBC Drama was observed on Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- u. MBC Kids/MBC3 was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- v. MBC Masr was observed on the Easybox service on January 26, 2016, and numerous times thereafter up through August 6, 2019;
- w. Melody Classic was observed on the Easybox service on March 1, 2016, and numerous times thereafter up through March 18, 2019;

x. SAB was observed on the Easybox service on May 16, 2016, and numerous times thereafter up through August 6, 2019; and

y. SET Max was observed on the Easybox service on June 22, 2017, and numerous times thereafter up through August 6, 2019.

14. Nagra analyzed the network traffic of the Easybox set-top box and service and concluded that computer servers identified by the following IP addresses, which are grouped by content delivery networks (“CDNs”), were transmitting the Protected Channels:

a. Global Layer B.V. of the Netherlands – 109.202.107.174; 109.202.108.222; 109.232.224.13; 109.232.227.38; 109.232.227.50; 134.19.180.30; 134.19.181.172; 134.19.187.22; 134.19.187.198; 134.19.187.226; 185.23.213.74; 213.152.160.5; 213.152.168.6; 213.152.170.4; 213.152.170.56; 213.152.170.76; 213.152.173.38; and 213.152.173.39 – DomainTools Whois records confirming that each IP address is assigned to Global Layer B.V. are attached as **Exhibit 5**;

b. WorldStream B.V. of the Netherlands – 62.112.8.82; 89.38.97.64; 190.2.131.56; and 217.23.13.8 – DomainTools Whois records confirming that each IP address is assigned to WorldStream B.V. are attached as **Exhibit 6**;

c. OVH Hosting, Inc. of Canada – 144.217.72.45; and 149.56.26.88 – DomainTools Whois records confirming that each IP address is assigned to OVH Hosting, Inc. are attached as **Exhibit 7**; and

d. Netrouting Inc. of the United States – 104.245.124.250 – DomainTools Whois records confirming that this IP address is assigned to Netrouting Inc. are attached as **Exhibit 8**.

15. Defendants are the customers of the foregoing CDNs and other third-party service providers identified in paragraphs 4-10. The CDNs and third-party service providers are expected to have information identifying Defendants. Defendants' third-party dealers identified in paragraph 11 are also expected to have information identifying Defendants. Thus, DISH requests permission to serve subpoenas and letters of request on each CDN, service provider, and dealer, copies of which are attached to the Declaration of Stephen Ferguson as Exhibits 3 - 15.

16. Nagra conducted a thorough investigation of the IP addresses that are retransmitting the Protected Channels, as well as the third-party service accounts listed in paragraph 4-10, but does not have a means for identifying Defendants without the assistance of the CDNs and other third-parties. It has been Nagra's experience that third-parties require a subpoena, or in the case of a foreign company, a letter of request, and court order prior to providing information regarding the customer using their infrastructure and services.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 6, 2019



Gregory Duval